

DENMARK

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Denmark in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Denmark*
Article	
5	
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	
14(6)	
14(7)	
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	
22(2)	
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	
31(2-9)	
32(1)	
32(2-3)	
33(1 and 2)	
34	
35	
36(1)	
36(2)	
37(2)	

Country	Denmark*
Article	
37(3)	
37(4)	
37(5)	
37(6)	
37(7)	
38(1)	
38(2)	
38(3)	
38(4)	
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
56(2)	
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	
66(1)	
67(1)	

2. Types of offences related to REACH in Denmark

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Denmark. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	Violation of the European community regulations regarding chemical substances, products and articles: -minor offences -first breach	Any violation of the European community regulations regarding chemical substances, products and articles
Offences related to authorisation and restrictions requirements	Violation of the European community regulations regarding chemical substances, products and articles: -minor offences -first breach	Any violation of the European community regulations regarding chemical substances, products and articles
Offences related to the supply chain requirements	Violation of the European community regulations regarding chemical substances, products and articles: -minor offences -first breach	Any violation of the European community regulations regarding chemical substances, products and articles
Offences related to the	Violation of the European community regulations regarding chemical substances, products and	Any violation of the European community regulations regarding chemical substances, products

downstream user requirements	articles: -minor offences -first breach	and articles
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3. Sanctions applicable to legal persons in Denmark

This table mentions whether or not Denmark applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Denmark	Y	Specific to legal persons	N

4. REACH related administrative and criminal penalties in Denmark

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Denmark. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	- Ban of sale - Withdrawal from the market - Destruction	- Fine (proportional to the perpetrator's daily income) Ch. 6 Criminal Code. - 2 years imprisonment, if intentional or by gross negligence ,and if there is: 1) a damage caused to human or animal life or health or risk thereof, 2) a damage caused to the environment or risk, thereof, or 3) actual or intended economic advantages, including savings, for the offender or others. - Confiscation of any economic gain from the violations of REACH. If the confiscation is not possible this is taken into account when the amount for the fines is decided. - For legal person, fine in accordance with Ch. 5 Criminal Code.
Penalties related to infringement of authorisation requirements	- Ban of sale - Withdrawal from the market - Destruction	- Fine (proportional to the perpetrator's daily income) Ch. 6 Criminal Code. - 2 years imprisonment, if intentional or by gross negligence ,and if there is: 1) a damage caused to human or animal life or health or risk thereof, 2) a damage caused to the environment or risk, thereof, or 3) actual or intended economic advantages, including savings, for the offender or others. - Confiscation of any economic gain from the violations of REACH. If the confiscation is not possible this is taken into account when the

		<p>amount for the fines is decided.</p> <p>- For legal person, fine in accordance with Ch. 5 Criminal Code.</p>
Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> - Ban of sale - Withdrawal from the market - Destruction 	<ul style="list-style-type: none"> - Fine (proportional to the perpetrator's daily income) Ch. 6 Criminal Code. - 2 years imprisonment, if intentional or by gross negligence ,and if there is: <ul style="list-style-type: none"> 1) a damage caused to human or animal life or health or risk thereof, 2) a damage caused to the environment or risk, thereof, or 3) actual or intended economic advantages, including savings, for the offender or others. - Confiscation of any economic gain from the violations of REACH. If the confiscation is not possible this is taken into account when the amount for the fines is decided. - For legal person, fine in accordance with Ch. 5 Criminal Code.
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> - Ban of sale - Withdrawal from the market - Destruction 	<ul style="list-style-type: none"> - Fine (proportional to the perpetrator's daily income) Ch. 6 Criminal Code. - 2 years imprisonment, if intentional or by gross negligence ,and if there is: <ul style="list-style-type: none"> 1) a damage caused to human or animal life or health or risk thereof, 2) a damage caused to the environment or risk, thereof, or 3) actual or intended economic advantages, including savings, for the offender or others. - Confiscation of any economic gain from the violations of REACH. If the confiscation is not possible this is taken into account when the amount for the fines is decided. - For legal person, fine in accordance with Ch. 5 Criminal Code.

5. Short description of REACH sanctions and related issues in Denmark

In Denmark, the penalties for infringements of REACH are covered in “the consolidated act No. 1755 on Chemical Substances and Products dated 22 December 2006”. This legislation applies to chemicals in general and does not refer expressly to REACH. Section 59 contains a so-called “catch-all provision” stating that violations of “the European community regulations regarding chemical substances, products and articles”, shall be sentenced to a fine (proportional to the perpetrators daily income) according to the Chapter 6 of the Danish Penal Code. If the breach is done deliberately or by gross negligence, the penalty can increase to up to 2 years of imprisonment.

In accordance with Chapter 9 of the Danish Penal Code, any economic gain from violations of REACH can be confiscated. If confiscation is not possible this is taken into account when the amount for the fines is decided.

For the same infringements as stated in Section 59 a legal person can be sentenced to a fine according to Ch. 5 and 6 of the Danish Penal Code.

The Environmental Ministry has the general responsibility for the implementation and enforcement of REACH. The Ministry is assisted by the Danish Environmental Protection Agency, the Danish Working Environment Authority, the Danish Maritime Authority and the Danish Energy Agency.

